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**Your ref: CAF 19-192**  
**Our ref: Gov/CAF 19-192**

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19 November 2019

Dear Ms Soeder

**Re: Freedom of Information request**

Thank you for your email of 26 October 2019. You made the following requests for information:

Since October 2018 and the rollout of CAF/CASS amended framework has it been the role of any FCA to have the "complex task of 'assessing' whether allegations made within these proceedings are true, exaggerated or fabricated to inform decision making of the court"

b. If the phrase has been removed would CAF/CASS FCA's also be expected not to undertake this in their work with families to accurately reflect the removal of the phrase i.e does its removal reflect FCA practice

or

**2. Is the task of assessing whether allegations made in proceedings the role of the court**

The draft version of the Child Impact Assessment Framework (previously titled the High Conflict Pathway) contained the phrase 'FCAs have the complex task of assessing whether allegations made within these proceedings are true, exaggerated, or fabricated to inform decision-making of the Family Court'. However, this phrase was removed during the redrafting and development of the Child Impact Assessment Framework (CIAF) and is not in the final version of the framework or any of the guides within the framework.

Section 2.20-2.26 of the [Operating Framework](#) sets out how Cafcass Family Court Advisers (FCAs) should work with adult service users. Section 2.20 states that FCAs should make it clear that much evidence in family cases is soft and open to more than one interpretation.

Edward Timpson CBE Chair  
Jacky Tiotto Chief Executive





This includes information that adult parties may have taken from social media. We conclude our enquiries in every case with a structured professional assessment and should make those we talk to aware of that.

More information can be seen in our [Operating Framework](#); relevant sections which set out our work with children and parents include paragraphs 2.23- 2.24, part of which is below:

### **Operating Framework Extract**

*2.23 Whilst FCAs have a presumption that parents and carers reply to them in good faith, they also have to be cautious in case they are not being told the full facts, or if they are faced with 'disguised compliance' or if they are told a 'false status quo'. They also have to guard against the 'rule of optimism', in which a parent deceives social workers about what is really going on in a household and social workers assess that an appalling situation is much better than it is. FCAs have to balance hope and a belief in change and communicate this to parents and carers, whilst protecting the child in question against future damage and being clear where standards of care are not good enough.*

*2.24 In private law cases especially, parents are seeking to convey their side of the story to the FCA, including facts about who did what to whom and when. Such 'facts' are often disputed. For the FCA, it is the impact on a child that they have to assess, particularly the emotional and psychological impact, such as the child's static (long-lasting) and dynamic (capable of short-term change) emotions. It is for the court to determine the facts, as far as it can – many 'facts' are disputed and the truth of what happened often remains unclear and ambiguous. While the FCA will need to undertake various enquiries to ascertain what has been going on in a family, including social media enquiries where relevant and where the court agrees, it is important to keep the focus on the child's daily lived experience rather than on any dramatic scenarios put forward by either parent. A motivational interviewing style can assist that focus (see below). Using a Strengths and Difficulties Questionnaire can also help with this, as long as its use has the active support and co-operation of the child's parents in a shared quest about how best to help the child.*

As stated in our [Reporting to Court Policy](#), 'the information obtained by practitioners in the course of their work includes both factual information and opinion'. Practitioners may draw on training, professional experience, research and evidence-based tools to analyse this information. Hearsay evidence is information given to the practitioner (or any other person) that has not been personally seen or heard by the practitioner. Hearsay evidence is permitted in family proceedings. A clear distinction should be made in court reports between verified facts, allegations made by the adults, hearsay evidence and the practitioner's assessment, analysis or opinion. When reporting hearsay, it should be clearly identified as such (as should the source of the evidence), as this will assist the court in determining the weight that should be attached to.

Edward Timpson CBE Chair  
Jacky Tiotto Chief Executive





Ultimately it is for the court to determine the weight to be given to any evidence presented and to reach a decision. It is for the court, and not Cafcass, to determine the truth of any allegations made by the parties and to make a decision on the arrangements for the child.

Where allegations are unsubstantiated or disputed, the court can hold a Fact Finding hearing to adjudicate upon these. The final decisions in cases are made by the court.

We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's Office (<https://ico.org.uk/>):

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0303 123 1113

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Yours sincerely,

Governance Team

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Edward Timpson CBE Chair  
Jacky Tiotto Chief Executive





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